

Central Intelligence Agency



Washington, D.C. 20505

25 JAN 1984
OLL 84-0228

Mr. James M. Frey
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

This is in response to your request for the views of the Central Intelligence Agency on the proposed report of the Department of Transportation on S. 779, the "Intelligence Personnel Protection Act." Unfortunately, we feel we must object to the amendment suggested in this report.

The Department of Transportation is proposing an amendment which would extend the coverage of the legislation to include civilian employees of the intelligence elements of the Coast Guard. Our objection to this addition is in no way intended to reflect a view that such an expansion is unwarranted. Rather it stems from the belief that if this bill is amended to add any other group of officers or employees it will seriously jeopardize enactment of this legislation during the Second Session of this Congress.

As indicated in the Senate Judiciary Committee's Report (see Report No. 98-273, pp. 2-3), S. 779 was reported out of the full Committee on voice vote based on the long history of Congressional consideration of these proposals in both the 96th and 97th Congresses. While legislation dealing with Federal probation and pretrial services officers had previously been considered mainly in the context of revisions to the Federal Criminal Code, Chairman Thurmond's amendment brought it within S. 779. The bill was subsequently passed by unanimous consent. Therefore, our belief is that an amendment to the bill now to include another group of officers or employees not previously considered in this Congress or prior Congresses would serve to undermine the basis upon which this legislation was reported out of the Senate Judiciary Committee without hearings and subsequently passed by the Senate.

As mentioned earlier, this objection does not address the merits of such an amendment, but rather the danger it poses to the enactment of legislation long sought by the Intelligence Community.

Sincerely,



Deputy Director, Office of Legislative Liaison

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KAD:csH (25 January 1985)

CLL #
84-0028/001



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

January 13, 1984

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer-
~~Department of Justice~~
Central Intelligence Agency
National Security Council

SUBJECT: Transportation proposed report on S. 779, the
"Intelligence Personnel Protection Act."

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than
FRIDAY, JANUARY 27, 1984.

Questions should be referred to Tracey Lawler (395-4710)
the legislative analyst in this office.

Ronald K Peterson
RONALD K. PETERSON FOR
Assistant Director for
Legislative Reference

Enclosures

cc: Arnie Donahue
Adrian Curtis



U.S. Department of
Transportation

General Counsel

400 Seventh St., S.W.
Washington, D.C. 20590

The Honorable Peter W. Rodino, Jr.
Chairman, Committee on the Judiciary
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Department of Transportation would appreciate your consideration of the following comment on S.779, a bill entitled the

"Intelligence Personnel Protection Act."

This proposal would amend title 18, United States Code, to provide Federal criminal penalties for certain acts of violence directed at certain United States intelligence personnel performing official duties and at certain other persons associated with the intelligence community. The bill would amend section 1114 of title 18, United States Code, to add officers and employees of any department or agency within the Intelligence Community, as set out in Executive Order 12333, to the list of Federal officials enumerated in that section. Presently, murdering any of the officials listed in section 1114 is a Federal crime. This bill would add attempting to murder such persons as a Federal crime with a maximum imprisonment of twenty years.

Though the Coast Guard currently utilizes officers, enlisted personnel, and civilian employees to perform intelligence functions, they are not included within the definition of Intelligence Community in section 3.4(f) of Executive Order 12333. However, officers and enlisted men of the Coast Guard are separately listed in section 1114. Since the bill proposes to add civilian employees of the intelligence elements of the Army, Navy, Air Force, and Marine Corps, it is appropriate to also include civilian employees of the intelligence elements of the Coast Guard.

We recommend an additional amendment to section 1114, to add certain Coast Guard employees to the list of Federal officials in that section. This could be accomplished by adding a new subsection (b) to the first section of the bill, and by redesignating existing subsections (b) and (c) as subsections (c) and (d), respectively. The new subsection (b) should read as follows:

"(b) by substituting the term ", employee assigned to perform intelligence, investigative, inspection, or law enforcement functions, or enlisted member" for the term "or enlisted man";".

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this report for the consideration of the Committee.

Sincerely,

TO : XXXXXXXXXX DD/OLL DD/OLL		DATE OF REQUEST 1/25/84	STAT
FROM : Legislation Division		SUSPENSE DATE	
SUBJECT: S. 779, the Intelligence Personnel Protection Act			
NOTES: Attached is a views letter on S. 779 for your signature.			
COORDINATED WITH (list names as well as offices)			
NAME	OFFICE	DATE	
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ACTION REQUIRED BY XX DD/OLL			
Your signature on letter.			